

holder is upon his subscription, that is to say, upon his obligation to contribute to the capital stock, which is a trust fund for the benefit of those to whom the corporation, as a corporation, becomes liable. *Sawyer v. Hoag*, 17 Wall. 610. The Constitution of Oregon created no new right in this particular; it simply provided for the preservation of an old one. The liability under this provision is not *to* the creditors, but *for* the indebtedness. That is no more than the liability created by the subscription. The subscription is part of the assets of the corporation, at least so far as creditors are concerned. The liability of the stockholder to the creditor is through the corporation, not direct. There is no privity of contract between them, and the creditor has not been given, either by the Constitution or the statute, any new remedy for the enforcement of his rights. The stockholder is liable to the extent that the subscription represented by his stock requires him to contribute to the corporate funds, and when sued for the money he owes, it must be in a way to put what he pays, directly or indirectly, into the treasury of the corporation for distribution according to law. No one creditor can assume that he alone is entitled to what any stockholder owes, and sue at law so as to appropriate it exclusively to himself.

*Judgment affirmed.*

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EX PARTE CARLL.

The reviewing power of this court in a criminal case is, on a writ of *habeas corpus*, confined to the determination of the question whether the court which sentenced the prisoner had jurisdiction to try him for the offence whereof he was indicted and to sentence him to imprisonment.

PETITION for a writ of *habeas corpus* and a *certiorari*.

*Mr. Abram J. Dittenhoeffer* in support of the petition.

MR. CHIEF JUSTICE WAITE delivered the opinion of the court.

We have had occasion to say at the present term, in *Ex parte Curtis*, that "we have no general power to review the

judgments of the inferior courts of the United States in criminal cases, by the use of the writ of *habeas corpus* or otherwise. Our jurisdiction is limited to the single question of the power of the court to commit the prisoner for the act of which he has been convicted." This rule is well settled. *Ex parte Lange*, 18 Wall. 163; *Ex parte Rowland*, 104 U. S. 604.

The grounds of the present application as stated in the petition are, that the Circuit Court had no jurisdiction to try the prisoner for the offence of which he has been convicted and to commit him to prison therefor, because —

1. The instruments described in the indictment and charged to have been forged show on their face that they are not bonds or obligations of the United States, and, even if genuine, possessed no validity; and

2. It was conceded on the trial that the instruments set forth in the indictment were genuine registered bonds, and that the forgery complained of consisted in erasing the name of the original payee and substituting that of the prisoner.

All the bonds described in the indictment, except that in the third count, purport to be issued under the act of July 14, 1870, c. 256, as amended by the act of Jan. 20, 1871, c. 23. This act provides for an issue of bonds by the Secretary of the Treasury "in such form as he may prescribe." The bonds now in question appear to be signed by the Register of the Treasury and not by the Secretary. They also have the "imprint and impression of the seal of the Department of the Treasury of the United States." In the indictment it is averred that the counterfeits were of bonds of the United States. This is enough for the purposes of the jurisdiction of the Circuit Court. Whether the bonds counterfeited are in the form of those actually issued by the Secretary of the Treasury under the authority of the act referred to, is a question of fact to be established on the trial. Errors committed on the trial of this issue do not deprive the court of its power to imprison upon conviction, and, as has been seen, such errors are not subject to correction here, either in the present form of proceeding or any other.

What has just been said applies equally to the instrument described in the third count, which purports to be signed by

the acting Register of the Treasury. By the act of Feb. 20, 1863, c. 45, the President was authorized to designate some officer in a department to perform the duties of another in case of death, resignation, absence, or sickness.

The second ground of application presents no jurisdictional question. The indictment charged the prisoner with a crime against the laws of the United States, *United States v. Mari-gold*, 9 How. 560. We have nothing to do with questions arising on the evidence presented to sustain the charge.

*Petition denied.*

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YOUNGSTOWN BANK v. HUGHES.

The value of the matter in dispute, when the jurisdiction of this court depends thereon, must be such as can be ascertained in money, and, if not disclosed by the record, may be shown by affidavits.

ON motion to dismiss an appeal from the Circuit Court of the United States for the Northern District of Ohio.

The case is stated in the opinion of the court.

*Mr. W. C. McFarland* in support of the motion.

*Mr. Sidney Strong, contra.*

MR. CHIEF JUSTICE WAITE delivered the opinion of the court.

Section 2782 of the Revised Statutes of Ohio (1880) provides, that if a county auditor has reason to believe or is informed that any person has given to a tax-assessor a false statement of his personal property, moneys, &c., or that the assessor has made an erroneous return of any property, moneys, &c., which are by law subject to taxation, he may proceed to correct the return and to charge such persons on the tax duplicate with the proper amount of taxes; "to enable him to do which he is . . . authorized and empowered to issue compulsory process, and require the attendance of any person or persons whom he may suppose to have a knowledge of the articles, or value of the personal property, moneys, or credits, investments in bonds,